

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIAN FISCHLER,	:
	:
Plaintiff,	:
	:
-v-	:
	:
EAST VILLAGE HOTEL T LLC,	:
	:
Defendant.	:
	:
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19 Civ. 8383 (PAE) (BCM)
ORDER OF DISMISSAL

PAUL A. ENGELMAYER, District Judge:

On September 10, 2019, plaintiff Brian Fischler filed the complaint in this action. Dkt. 1. On September 11, 2019, the Court referred the case to Magistrate Judge Barbara C. Moses for general pretrial management. Dkt. 5. On September 27, defendant East Village Hotel T LLC (“East Village Hotel”) was served, making East Village Hotel’s answer due on October 18, 2019. Dkt. 7. East Village Hotel has not appeared in this action or otherwise responded to the complaint.

On December 11, 2019, Magistrate Judge Moses ordered Fischler to file a status letter updating the Court on the present status of the case and notified him that the failure to comply with the above order could result in the case being dismissed for failure to prosecute. Dkt. 8. On December 18, 2019, Fischler filed a status report and requested an extension. He also told the Court that he would move for default judgment, if at all, no later than January 31, 2020. Dkt. 9.

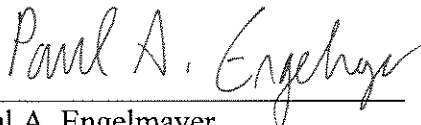
On March 17, 2020, Magistrate Judge Moses ordered Fischler to file a status letter updating the Court on the present status of the case by March 27, 2020, and again advised that the case may be dismissed under Rule 41(b) for failure to prosecute. Dkt. 11.

Fischler has not provided a status update or otherwise taken any action to make any progress on this case since Magistrate Judge Moses's order in March 2020. Fischler has taken no steps to obtain a certificate of default or default judgment.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case, without prejudice, for the plaintiff's failure to prosecute.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: August 18, 2021
New York, New York